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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9 WESTERN DIVISION  
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11 MICHAEL KAEMPF, ) No. CV 10-02633-PSG (VBK)  
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13 ) Petitioner, ) ORDER ACCEPTING FINDINGS AND  
14 ) v. ) RECOMMENDATIONS OF UNITED STATES  
15 ) )  
16 ) JAMES A. YATES, )  
17 )  
18 ) Respondent. )  
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17 Pursuant to 28 U.S.C. §636, the Court has reviewed the Second  
18 Amended Petition for Writ of Habeas Corpus ("Second Amended  
19 Petition"), the records and files herein, and the Report and  
20 Recommendation of the United States Magistrate Judge ("Report").

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1       **IT IS ORDERED** that: (1) the Court accepts the findings and  
 2 recommendations of the Magistrate Judge, and (2) the Court declines to  
 3 issue a Certificate of Appealability ("COA").<sup>1</sup>

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 5 DATED: April 26, 2013

  
 PHILIP S. GUTIERREZ  
 UNITED STATES DISTRICT JUDGE

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 21       <sup>1</sup> Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the  
 22 applicant has made a substantial showing of the denial of a  
 23 constitutional right." The Supreme Court has held that, to obtain a  
 24 Certificate of Appealability under §2253(c), a habeas petitioner must  
 25 show that "reasonable jurists could debate whether (or, for that  
 26 matter, agree that) the petition should have been resolved in a  
 27 different manner or that the issues presented were 'adequate to  
 28 deserve encouragement to proceed further'." Slack v. McDaniel, 529  
 U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks  
 omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.  
 1029 (2003). After review of Petitioner's contentions herein, this  
 Court concludes that Petitioner has not made a substantial showing of  
 the denial of a constitutional right, as is required to support the  
 issuance of a COA.